

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

United States of America, *et al.*,

Plaintiff,

v.

Google LLC

Defendant.

Case No. 1:23-cv-00108-LMB-JFA

The Honorable Leonie M. Brinkema

**DECLARATION OF MARIA STUCKEL IN SUPPORT OF NON-PARTIES
OMNICOM GROUP INC., DDB WORLDWIDE COMMUNICATIONS GROUP LLC,
GSD&M LLC, PORTER NOVELLI INC., AND OMD USA LLC'S MOTION TO SEAL
CERTAIN TRIAL EXHIBITS**

DECLARATION OF MARIA STUCKEL

I, Maria Stuckel, declare as follows:

1. I am the Vice President, Mission Task Lead, Team DDB at DDB Chicago Inc. (“DDB”), a subsidiary company of Omnicom Group Inc. (“Omnicom”). I have personal knowledge of the facts set forth herein and if called as a witness could and would testify competently to them. I make this declaration in support of Omnicom’s Motion to Seal Certain Trial Exhibits.

2. DDB is an integrated creative advertising agency that creates advertising and marketing campaigns on behalf of clients. These campaigns are designed to meet each client’s specific business or awareness goals and are a product of extensive client input, market research, and creative brainstorming. As a subject matter expert in the creative advertising and marketing space, DDB is intimately familiar with the platforms, products, and tools available to advertising and marketing clients.

3. I have been a lead account director on the United States Army’s account with DDB for the last three years. As an account director, I oversee all aspects of the Army’s account in regards to National Paid Media, from creation to paid media strategy development to paid media activities.

4. Defendant’s Trial Exhibit No. 1140 (DTX 1140) includes several slides of a marketing mix modeling report for the Army’s national paid media campaign. These slides outline DDB’s proposed process for optimizing the performance of the Army’s national media campaign across media channels. These slides offer both an analysis of DDB’s model output and an in-depth look at DDB’s optimization strategy, including the data sources that DDB proposes utilizing to track performance and the specific actions that DDB recommends taking to

optimize performance based on the data results. The contents of this presentation represent DDB's proprietary and confidential trade secret approach for deriving media strategy, which provides DDB with a competitive advantage in the marketplace.

5. Defendant's Trial Exhibit No. 1151 (DTX 1150) is a paid national media strategy PowerPoint presentation presented to the Army for the year of 2022. The purpose of this presentation is to gain client alignment with DDB's proposed media plan for the upcoming year. This presentation provides in-depth analysis and discussion on the types of media channels DDB is recommending that the Army invest in, including the purpose of each media channel, the specific content to be shared via the media channels, and DBB's recommended partners, publishers, and platforms for which to implement each aspect of the media plan. The presentation also includes recommended investment amounts based on the Army's goals and objectives. The contents of this presentation and the collective presentation as a whole represent DDB's proprietary and confidential trade secret approach for deriving media strategy, which provides DDB with a competitive advantage in the marketplace.

6. Defendant's Trial Exhibit No. 1163 (DTX 1163) includes an email summarizing and attaching five (5) media strategy PowerPoint presentations presented to the Army in 2021 and 2022 as well as two (2) strategy documents that discuss optimization metrics and insights and one (1) separate Excel spreadsheet that reflects DDB's estimated media and labor costs from 2021 through 2028. The purpose of this information is to gain client alignment with DDB's proposed media plans for the upcoming years and offer an assessment of past performance. This information provides in-depth analysis and discussion on the types of media channels DDB is recommending that the Army invest in, including the purpose of each media channel, the specific content to be shared via the media channels, and DBB's recommended partners, publishers, and

platforms for which to implement each aspect of the media plan. This information also includes recommended investment amounts and optimization strategies based on the Army's goals and objectives. This information represent DDB's proprietary and confidential trade secret approach for deriving media strategy, which provides DDB with a competitive advantage in the marketplace.

7. Defendant's Trial Exhibit No. 1172 (DTX 1172) is a marketing mix modeling report of the Army's national paid media campaign presented to the Army for the fourth quarter of 2021. This presentation outline DDB's proposed process for optimizing the performance of the Army's national media campaign across media channels. These slides offer both an analysis of DDB's model output and an in-depth look at DBB's optimization strategy, including the data sources that DDB proposes utilizing to track performance as well as specific actions that DDB recommends taking to optimize performance based on the data results. The contents of this presentation represent DDB's proprietary and confidential trade secret approach for deriving media strategy, which provides DDB with a competitive advantage in the marketplace.

8. Defendant's Trial Exhibit No. 1242 (DTX 1242) is an email that includes a PowerPoint slide regarding DDB's national media optimization process presented to the Army in 2022. This slide outlines proposed updates to DDB's process for optimizing the performance of the Army's national media campaign across media channels. This slide provides in-depth look at DBB's optimization strategy, information that represent DDB's proprietary and confidential trade secret approach for deriving media strategy, which provides DDB with a competitive advantage in the marketplace.

9. Defendant's Trial Exhibit No. 1249 (DTX 1249) is a marketing mix modeling report of the Army's national paid media campaign presented to the Army for the first quarter of

2022. This presentation outline DDB's proposed process for optimizing the performance of the Army's national media campaign across media channels. These slides offer both an analysis of DDB's model output and an in-depth look at DBB's optimization strategy, including the data sources that DDB proposes utilizing to track performance as well as specific actions that DDB recommends taking to optimize performance based on the data results. The contents of this presentation represent DDB's proprietary and confidential trade secret approach for deriving media strategy, which provides DDB with a competitive advantage in the marketplace.

10. Defendant's Trial Exhibit No. 1267 (DTX 1267) is the total media strategy PowerPoint presentation presented to the Army for the year of 2023. The purpose of this presentation is to gain client alignment with DDB's proposed media plan for the upcoming year. This presentation provides in-depth analysis and discussion on the types of media channels DDB is recommending that the Army invest in, including the purpose of each media channel, the specific content to be shared via the media channels, and DBB's recommended partners, publishers, and platforms for which to implement each aspect of the media plan. The presentation also includes recommended investment amounts based on the Army's goals and objectives. The contents of this presentation represent DDB's proprietary and confidential trade secret approach for deriving media strategy, which provides DDB with a competitive advantage in the marketplace.

11. Defendant's Trial Exhibit No. 1327 (DTX 1327) is a national media upfront strategy PowerPoint presentation presented to the Army for the year of 2023. The purpose of this presentation is to gain client alignment with DDB's proposed media plan for the upcoming year. This presentation provides in-depth analysis and discussion on the types of media channels DDB is recommending that the Army invest in, including the purpose of each media channel, the

specific content to be shared via the media channels, and DBB's recommended partners, publishers, and platforms for which to implement each aspect of the media plan. The presentation also includes recommended investment amounts based on the Army's goals and objectives. The contents of this presentation represent DDB's proprietary and confidential trade secret approach for deriving media strategy, which provides DDB with a competitive advantage in the marketplace.

12. Defendant's Trial Exhibit No. 1336 (DTX 1336) is a national media non-upfront strategy PowerPoint presentation presented to the Army for the year of 2023. The purpose of this presentation is to gain client alignment with DDB's proposed media plan for the upcoming year. This presentation provides in-depth analysis and discussion on the types of media channels DDB is recommending that the Army invest in, including the purpose of each media channel, the specific content to be shared via the media channels, and DBB's recommended partners, publishers, and platforms for which to implement each aspect of the media plan. The presentation also includes recommended investment amounts based on the Army's goals and objectives. The contents of this presentation represent DDB's proprietary and confidential trade secret approach for deriving media strategy, which provides DDB with a competitive advantage in the marketplace.

13. Defendant's Trial Exhibit No. 1373 (DTX 1373) is an email summarizing and attaching six (6) separate Excel spreadsheets that reflect DDB's monthly media flowcharts prepared for the Army for October 2022. The purpose of these flowcharts is to provide an analysis of the effectiveness of GSD&M's execution of the Air Force's media, advertising, and marketing campaigns for the prior month as compared to prior months. These flowcharts including analysis on the effectiveness of different media channels and the performance of the

partners, publishers, and platforms that DDB used to implement the media plan across various demographics. This information represent DDB's proprietary and confidential trade secret approach for deriving media strategy, which provides DDB with a competitive advantage in the marketplace.

14. Defendant's Trial Exhibit No. 1400 (DTX 1400) is an email summarizing and attaching twelve (12) separate Excel spreadsheets that reflect DDB's monthly media flowcharts prepared for the Army for November 2022. The purpose of these flowcharts is to provide an analysis of the effectiveness of DDB's execution of the Army's media, advertising, and marketing campaigns for the prior month as compared to prior months. These flowcharts including analysis on the effectiveness of different media channels and the performance of the partners, publishers, and platforms that DDB used to implement the media plan across various demographics. This information represent DDB's proprietary and confidential trade secret approach for deriving media strategy, which provides DDB with a competitive advantage in the marketplace.

15. The creative concepts and innovative approaches to media buying and planning that DDB presents in these documents are what differentiate DDB from another agency. Revealing these details could expose these creative elements to competitors, who might then replicate or undermine DDB's innovative strategies and competitive edge. DDB's discussions, analyses, and strategic recommendations to a client regarding its media marketing have substantial economic and competitive value to DDB. DDB spends a significant amount of money and resources to develop the specialized knowledge of the media, advertising and marketing marketplace required to create commercially competitive strategy recommendations and guidance for clients.

16. Public disclosure of these presentations and the information contained within them would be detrimental to both the Army and DDB. Public disclosure would reveal the Army's

intimate secrets and provide insight into their marketing priorities, objectives, and goals, all of which is shaped by the work of DDB. The disclosure of the Army's unique marketing strategy would also give DDB's competitors an inside look into how DDB operationalizes a full-service media, advertising and marketing account plan for specific clients. This is the exact sort of analysis and planning upon which DDB competes to remain competitive in the market.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 25, 2024, in Chicago, Illinois.



Maria Stuckel